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10/594,066

09/26/2006

Fredrik Andersson

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JACOBSON HOLMAN PLLC
400 SEVENTH STREET N.W.
SUITE 600
WASHINGTON, DC 20004

EXAMINER

MILLER, SAMANTHA A

ART UNIT

PAPER NUMBER

3749

MAIL DATE

DELIVERY MODE

01/05/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|---------------------------------------|---|--|
| Office Action Summary | Application No. 10/594,066 | Applicant(s) ANDERSSON, FREDRIK | |
| | Examiner SAMANTHA A. MILLER | Art Unit 3749 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 July 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

Receipt of applicant's amendment filed on 7/28/2009 is acknowledged.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over GEBKE (2003/0022617) in view of ANDERSSON (WO 99/21638).

GEBKE teaches:

1. A supply air terminal assembly for the supply of supply air (30 at 38) to a room (12), the supply air terminal assembly comprising first (24a) and second (40) throttling units which are supplied with supply air from a supply air pipe (26) each throttling unit being formed in order to give the passing supply air flow a preselected pressure drop under weak noise generation (para.0034), each of said first and second throttling units including a respective socket ((48,52) and (46,50)) screened off by a respective air filter(22, 24), the air filter (24) of the first throttling unit (24a), in the supply air direction (Fig.1), being located downstream of the air filter (22) of the second throttling unit (40), said two air filters (22, 24) being connected in series in the flow direction (from 26 to 38) of the supply air.

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2. The filters (22, 24) of the throttling units are in the form of bags, and that the filter bag of the second throttling unit being located in the filter bag of the first throttling unit (Fig.1).

GEBKE teaches the invention as discussed above, however GEBKE does not teach a preconnected shut off valve or a ring shaped gap.

ANDERSSON teaches:

1. The sockets being spaced from one another by a ring-shaped gap (that covers 23), said two air filters (4 and 20) being connected in parallel when the ring plate (23) is in the open position, the throttling unit having a preconnected shut off valve (11, 23) which normally is closed (Fig.2), and which is arranged to be reset into an open position (40') for temporary enhancement of the supply air flow through the supply air terminal assembly, said valve including a ring plate (23) that is actuable (by 6 and 10) between closed and open positions, in which the ring plate covers and uncovers (opening on 4), respectively, the ring-shaped gap (that 23 covers).

3. The valve plate (23) has the shape of a ring plate (23) that is divided along an axial plane (10) to form for the formation of two valve plate parts which are turnably mounted around turning bearings (10), the axes of said turning bearings being which are parallel to the dividing plane and located at a small distance from said dividing plane the same, the valve having actuating members (6, 10) for the turning of the valve plate parts (23,11) around the turning bearings (10) thereof (ANDERSSON claim 4 and claim 8).

Regarding claims 7-10; refer to the rejection of claims 1-3.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the throttling units of GEBKE with a openable and closable ring-shaped gap between 22 and 24 in order to give rise to a very exact adjustment of the airflow capacity of the (second) filter (ANDERSSON, p.1 para.4).

Claims 4-6 rejected under 35 U.S.C. 103(a) as being unpatentable over GEBKE (2003/0022617) in view of ANDERSSON (WO 99/21638) in further view of MCCABE (2001/0055947).

GEBKE in view of ANDERSSON teaches the invention above, however GEBKE in view of ANDERSSON does not teach a two valve plate or thermal expansion material.

MCCABE teaches:

Regarding claims 4-6; the actuating device of the valve comprises a bar (116) of a material having a high thermal expansion coefficient, one end of which is fixedly mounted and the second end of which is arranged to drive the valve plate into and from lowered position, the bar being provided with an appurtenant electrically driven heating assembly (para.0087).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use the valve of MCCABE in the fluid supply unit of GEBKE in view of ANDERSSON in order to which can be sealed rapidly by a powered drive mechanism; and further which can be partially opened and closed to modulate the pressure in the system in which the damper is used (MCCABE, para.0010).

Response to Arguments

Applicant's arguments with respect to claims 1-10 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR '1.136(a). A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Samantha A. Miller whose telephone number is 571-272 9967. The examiner can normally be reached on Monday - Thursday 8:00 - 4:30.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steve McAllister can be reached on 571-272-6785. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Samantha Miller
Examiner
Art Unit 3749
12/5/2009

/Steven B. McAllister/

Supervisory Patent Examiner, Art Unit 3749